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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

ROCHDALE INSURANCE
COMPANY,

Plaintiff,

vs.

SKYLAR DIXON, and FELDER &
COMPANY, LLC, DBA
STILLWATER FISH HOUSE,

Defendants.

CV 19-68-M-DWM

**ROCHDALE INSURANCE
COMPANY'S MOTION FOR
SUMMARY JUDGMENT ON
COUNT I OF ITS FIRST
AMENDED COMPLAINT FOR
DECLARATORY JUDGMENT**

Plaintiff Rochdale Insurance Company (“Rochdale”) herein moves this Court, pursuant to Fed. R. Civ. P. 56, for summary judgment in its favor and against Defendants Felder & Company, LLC dba Stillwater Fish House (“Felder”) and Skylar Dixon (“Dixon”) on Count I of Rochdale’s First Amended Complaint for Declaratory Judgment. For the reasons set forth in Rochdale’s accompanying Brief and Statement of Undisputed Facts, Rochdale seeks a declaration from this Court that there is no coverage under the Workers Compensation and Employers Liability policy (the “Policy”) issued to Felder in connection with the underlying lawsuit pending in the Eleventh Judicial District Court of Flathead County, Montana, bearing case caption: *Skylar Dixon v. Felder & Company, LLC dba Stillwater Fish House*, Cause No. DV-17-853D (“Underlying Lawsuit”). Counsel for Felder and Dixon have been contacted and have expressed their objections to this motion.

WHEREFORE Defendant Rochdale Insurance Company respectfully requests that this Court grant its Motion for Summary Judgment, and find and declare that Rochdale’s Policy does not provide coverage for the Underlying Lawsuit, that Rochdale does not have a duty to defend or indemnify Felder in the Underlying Lawsuit, and for any other relief this Court deems proper under the circumstances.

DATED this 28th of February, 2020.

CAPP, JENKS & SIMPSON, P.C.

By: /s/ Fred Simpson
Fred Simpson

KARBAL, COHEN, ECONOMOU, SILK & DUNNE, LLC

By: /s/ Kevin M. Lougachi
Kevin M. Lougachi (*pro hac vice*)

*Attorneys for Plaintiff,
Rochdale Insurance Company*

CERTIFICATE OF SERVICE

I certify on this 28th day of February, 2020, a copy of the foregoing document was served upon the following persons by the following means:

1-3 CM/ECF
_____ Mail
_____ Hand Delivery
_____ Overnight Delivery Service
_____ Fax
_____ Email

1. Clerk, U.S. District Court
2. Michael A. Bliven, Esq.
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